

## REMARKS

Claims 1, 5, 10, 20 and 22 have been amended. Claims 7 – 9 and 21 have been cancelled. Claim 9 has been incorporated into claim 1, and the recitation of the amine-modified polysiloxane of claim 9 has been incorporated into claim 20. It is noted that there are slight variations in the wording from claim 9, due to inadvertent typographical errors in claim 9 as filed. Claims 5, 10 and 22 have been amended to change their dependencies. New claims 35 – 47 have been added. No new matter has been added. Claims 1-6, 10-20, 22 and 35-47 are pending in this application.

## Rejections under 35 U.S.C. § 103

### Rejection over Rothe et al. and Goulet et al.

Claims 1-3 and 5-22 were rejected under 35 U.S.C. § 103(a) over Rothe et al. (U.S. Pat. No. 4,738,847) in view of Goulet et al. (WO 99/37860). The Office Action asserts that Rothe et al. teaches a multi-ply absorbent article containing a virucidal composition in an inner layer, and that Goulet et al. teaches a multi-ply absorbent article containing an amine-modified polysiloxane in an outer layer. The Office Action recognizes that Rothe et al. does not teach a siloxane composition on at least one outer ply, but asserts that Goulet et al. teaches imparting softness and hydrophobicity to an article as disclosed in Rothe et al. by applying the amine-modified polysiloxane.

The rejection of the claims over Rothe et al. and Goulet et al. is respectfully traversed. In the attached Declaration Pursuant to 37 CFR 1.131, the declarant, inventor Gary L. Shanklin, states that he had completed the invention described and claimed in the present application prior to July 29, 1999, the publication date of Goulet et al.. Accordingly, Goulet et al. is **not** a proper reference under 35 U.S.C. § 102(a) and may not be used in combination with other references in a rejection under 35 U.S.C. § 103. Applicants submit that this Amendment and Request For Reconsideration is in compliance with 37 CFR 1.116(b), and that the Declaration Pursuant to 37 CFR 1.131 has been timely submitted.

**Rejection over Rothe et al. and Roe et al.**

Claims 1-8, 13, 14 and 18-22 were rejected under 35 U.S.C. § 103(a) over Rothe et al. in view of Roe et al. (U.S. Pat. No. 5,635,191). The Office Action asserts that Roe et al. teaches a disposable diaper having a top sheet containing a polysiloxane as part of an emollient composition, an inner sheet formed by an absorbent core, and a liquid impervious back sheet. Rothe et al. was asserted as in the rejection of claims 1-3 and 5-22.

The rejection of the claims over Rothe et al. and Roe et al. has been obviated by appropriate amendment. Claim 9 has been incorporated into independent claim 1, and the recitation of the amine-modified polysiloxane of claim 9 has been incorporated into independent claim 20. Neither Rothe et al. nor Roe et al. teach or suggest an amine-modified polysiloxane applied to an outer ply or to an outward surface, where the amine-modified polysiloxane has the formula recited in amended claims 1 and 20. New independent claim 35 recites a multi-ply absorbent article that is formed as a tissue or towel product. Roe et al. does not teach or suggest a tissue or towel product, nor is there a suggestion or motivation in the references to combine the polysiloxane emollient as applied to a diaper in Roe et al. to the tissue product of Rothe et al. The applied references, alone or in combination, do not teach or suggest each and every element of the pending claims. Accordingly, claims 1-6, 10-20, 22 and 35-47 are not obvious over Rothe et al. and Roe et al., and Applicants request that this rejection be withdrawn.

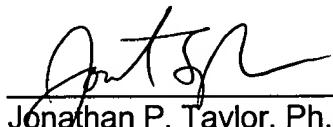
## CONCLUSION

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Submitted herewith is a Request for Continued Examination pursuant to 37 CFR § 1.114, and a Petition for Extension of Time for three (3) months.

Respectfully submitted,

11/20/03

  
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